

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SYLVESTER ONYEJIKA,	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	Case No. 4:20-CV-752 SRW
	)	
ANDREW M. SAUL,	)	
Commissioner of Social Security	)	
Administration,	)	
	)	
Defendant(s).	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Commissioner Andrew M. Saul’s (“the Commissioner”) motion to reverse the decision of the Administrative Law Judge (“ALJ”) and remand this action to the Commissioner pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). ECF No. 29. The Court has jurisdiction over the subject matter of this action under 42 U.S.C. § 405(g). The parties have consented to the exercise of authority by the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). ECF No. 14.

On June 10, 2020, Plaintiff filed a Complaint seeking review of the Commissioner’s decision that Plaintiff was not under a disability within the meaning of the Social Security Act. ECF No. 1. The Commissioner filed his answer and the transcript of the administrative proceedings on September 9, 2020. ECF Nos. 12, 13. Plaintiff filed a brief in support of the Complaint on January 8, 2021. ECF No. 21. Plaintiff asserts four grounds for error: (1) the ALJ failed to give adequate weight to the opinions of Plaintiff’s treating physicians; (2) the Appeals Council failed to find that the new evidence submitted did not provide a basis for changing the

ALJ's decision; (3) the RFC is not supported by medical evidence; and (4) the ALJ failed to conduct a proper credibility determination. *See id.*

On March 29, 2021, the Commissioner filed the instant Motion to Reverse and Remand the case to the Commissioner for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). The Commissioner represents in his motion that upon review of the record, reversal of the ALJ's decision and remand is necessary "for further evaluation of Plaintiff's claim" and to "reevaluate the medical opinions in accordance with the regulations at 20 C.F.R. § 416.920c and issue a new decision." ECF No. 29 at 1. The Commissioner asserts "the necessity for remand was not discovered until the case reached Defendant's legal counsel for briefing." *Id.* Plaintiff has not responded or otherwise objected to the Commissioner's motion, and the time for doing so has passed.

Upon review of Plaintiff's brief in support of the Complaint, the ALJ's decision, and the Commissioner's motion, the Court agrees with the Commissioner that this case should be reversed and remanded pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Accordingly,

**IT IS HEREBY ORDERED** that the Commissioner's Motion to Reverse and Remand [ECF No. 29] is **GRANTED**.

**IT IS FURTHER ORDERED** that the decision of the Commissioner is **REVERSED**.

**IT IS FURTHER ORDERED** that pursuant to sentence four of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further consideration.

So Ordered this 19th day of April, 2021.

*/s/ Stephen R. Welby*

STEPHEN R. WELBY

UNITED STATES MAGISTRATE JUDGE